

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS  
DIVISION 2, CHAPTER 4, AMEND ARTICLE 3, SECTION 970

### **SPECIAL EQUIPMENT – INSIGNE FOR LICENSED PHYSICIANS CHP-R-04-05**

The California Highway Patrol proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), related to insigne for licensed physicians.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Section 21058 of the California Vehicle Code (VC) authorizes the California Highway Patrol to approve an official insignia for use by physicians traveling in response to an emergency. Section 21058 VC provides a physician with relief from the prima facie speed limits when displaying an insignia approved by the California Highway Patrol, however, this provision does not relieve a physician from their duty to drive with due regard for public safety.

13 CCR, Section 970 was initially adopted in response to Section 21058 VC and the necessity for the California Highway Patrol to adopt regulation approving an official insignia. Apparently, based on discussions with the California Medical Association, the American Medical Association has yet to provide an official insignia to be used for this purpose. While the initial adoption of 13 CCR Sections 970 and 971 was made in a good faith effort by the California Highway Patrol to comply with the intent of the enabling statute, it has become overwhelmingly apparent the regulation will need to be revised in order to provide the medical industry with an approved insignia.

#### **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Gary Ritz  
P. O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, June 13, 2005.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the California Highway Patrol, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

### **AVAILABILITY OF INFORMATION**

The California Highway Patrol has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the California Highway Patrol at the above address, by facsimile at (916) 446-4579 or by calling the California Highway Patrol, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Suite 310, Sacramento, CA 95814. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

### **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Gary Ritz or Mr. Greg Bragg, California Highway Patrol, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Ritz.

### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the California Highway Patrol may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

## **FISCAL AND ECONOMIC IMPACT**

The California Highway Patrol has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

## **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **EFFECT ON SMALL BUSINESSES**

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses.

## **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AUTHORITY**

This regulatory action is being taken pursuant to Section 21058 VC.

## **REFERENCE**

This action implements, interprets, or makes specific Section 21058 VC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
A. S. Cuevas, Chief  
Enforcement Services Division